

REMARKS

STATUS OF THE CLAIMS

Claims 1-32 are pending in the application. In the Office Action mailed December 29, 2004 (hereinafter referred to as “the Office Action”), claims 1-11 were rejected and claims and claims 12-26 were withdrawn from consideration by the Examiner. With regard to the withdrawn claims, the Applicants reserve their right to the subject matter contained therein. Claim 3 has been amended to correct a minor typographical error. More particularly, claim 3 has been amended to depend from claim 2. Claims 27-32 are newly added herein. Specific support for claims 27-32 is, at least, to be found in FIGS 1-4 and paragraphs 23 and 30. No new matter has been added by this amendment and no estoppels are intended thereby.

The Applicants have thoroughly reviewed the outstanding Office Action including the Examiner’s remarks and the references cited therein. The following amendments and remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references. Withdrawal of outstanding objection and rejections is respectfully requested in view of the forgoing amendments and the following remarks.

OBJECTION UNDER 37 C.F.R. §1.75(c)

The indication of the Office Action that claim 3 is objected to under 37 C.F.R. §1.75(c), as being improper dependent form for failing to further limited the subject matter of a previous claim, has been addressed by amending claim 3 to depend from claim 2. Antecedent basis for those elements in claim 3 is properly established in claim 2. Therefore, withdrawal of the objection to Claim 3 under 37 C.F.R. §1.75(c) is respectfully requested.

REJECTION UNDER 35 U.S.C. §102 (U.S. Patent No. 5,808,187 to James Thomas Gooden et al.)

Claims 1, 4-6, 10 and 11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,031,373 to David W. Montgomery (Hereinafter referred to as, “the Montgomery document”). The Applicants respectfully traverse this rejection. The Applicants submit that the invention as recited in claim 1 is patentably distinct from the Montgomery document and thus, respectfully requests reconsideration and withdrawal of the rejection to claim 1 and the claims that depend therefrom.

The Montgomery document is directed to an etching machine with an *air manifold* with a multitude of independently regulated air lines supplying individual nozzles. Importantly, the air manifold only supplies air to the nozzles and is never in contact with the grit. *See Figures 1 and 2*. Each nozzle is directly and independently supplied with grit by an individual material supply line. In essence, the Montgomery document is directed to a system for operating a multitude of individual grit guns. Each of the grit guns is independently adjustable. *See Abstract, Claims 1, 6, and 11, and Column 2 lines 50-52*. In fact, each of these grit guns could easily be removed from its support and used independently. In contrast, claim 1 recites, *inter alia*, a manifold assembly, an air supply line connected to the manifold assembly, a plurality of nozzles connected to the manifold assembly, and a plurality of material supply hoses connected to the manifold assembly. The Montgomery document fails to disclose, at least, a manifold connected to a plurality of nozzles and air and material supply lines. As such, the manifold assembly of the present invention is patentably distinct from the air manifold of the Montgomery document at least because the nozzles, as well as, air and material supply hoses are connected to the manifold of the present invention.

In view of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection to claim 1 as being anticipated by the Montgomery document is respectfully requested at least because the Montgomery document fails to disclose a manifold connected to a plurality of nozzles and air and material supply lines. Claims 4-6, 10 and 11 depend from independent claim 1. Therefore it is respectfully submitted that claims 4-6, 10 and 11 are patentable for at least the same reasons as discussed in response to the rejection of claim 1 as being anticipated by the Montgomery document. In light of the foregoing, withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1, 4-6, 10 and 11 as being anticipated by the Montgomery document is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103(a) (the Montgomery document in view of U.S. Patent No. 5,681,132 to C. James Sheppard, Jr.)

Claims 2, 3 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being anticipated by the Montgomery document in view of U.S. Patent No. 5,681,132 to C. James Sheppard, Jr. (hereinafter referred to as “the Sheppard document”). Initially, the Applicants note that claims 2, 3 and 7-9 depend from independent claim 1 and that claim 1 is believed to be patentable for at least the reasons stated hereinabove. Further, the Applicants respectfully traverse the foregoing rejection for, at least, the reasons provide hereinbelow.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge already available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claimed limitations. See MPEP § 2143.

A *prima facie* case of obviousness has not been made in that the Montgomery document and the Sheppard document, alone and in combination, fail to teach or suggest the invention as recited in claims 2, 3 and 7-9 of the present application.

As described hereinabove, the Montgomery document is directed to an etching machine with an *air manifold* with a multitude of independently regulated air lines supplying individually adjustable nozzles and that this air manifold only supplies air to the nozzles and is never in contact with the grit. More particularly, the Montgomery document fails to disclose, at least, a manifold connected to a plurality of nozzles and air and material supply lines. The Sheppard document fails to overcome the deficiencies of the Montgomery document. In general, the Sheppard document is directed to a pneumatic conveying device. That is, a device that conveys dry material in a stream of air from a hopper to a single destination point via a pipe. *See Abstract and Column 4, lines 43-56.* As such, the Sheppard document, at least, fails to disclose a manifold with a plurality of nozzles. Instead, dry materials are directed into a single pipe via a single nozzle. As such, neither the Montgomery document nor the Sheppard document alone or in combination teach or suggest a plurality of nozzles, as well as, air and material supply hoses that are connected to the manifold.

In contrast, claim 1 recites, *inter alia*, a manifold assembly, an air supply line connected to the manifold assembly, a plurality of nozzles connected to the manifold assembly, and a plurality of material supply hoses connected to the manifold assembly. Claims 2, 3 and 7-9 depend from independent claim 1. Therefore, withdrawal of the 35 U.S.C. § 103(a) rejection of claims 2, 3 and 7-9 as being anticipated by the Montgomery document in view of the Sheppard document is respectfully requested.

CONCLUSION

Claims 27-32 are newly presented. Consideration of these claims and reconsideration of claims 1-11 is requested.

In view of the foregoing remarks, Applicants submit that the application is now in condition for allowance. If the Examiner believes that the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned by telephone at 202 861-1629 if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

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